



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,238	02/14/2002	Janne Aaltonen	06071.00001	6235
22907 7590 02/25/2009 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
BILGRAMI, ASGHAR H				
ART UNIT		PAPER NUMBER		
2443				
MAIL DATE		DELIVERY MODE		
02/25/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/074,238

**Applicant(s)**

AALTONEN ET AL.

**Examiner**

ASGHAR BILGRAMI

**Art Unit**

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-18,27,29-43 and 46-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-18,27,29-43 and 46-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-18, 27, 29-43, 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over HERZ et al (U.S. Pub No. 2001/0014868 A1) and Birdwell et al (U.S. 6,108,706)
3. As per claims 1, 9-11, 19 & 49 HERZ disclosed a method comprising: receiving, at a communication device, via a uni-directional broadcast network, unsolicited information from a computer network, wherein the unsolicited information includes a first page of a network site and an identifier identifying one or more second pages of the network site (Paragraph.27), the unsolicited information being received by a communication device based upon a user profile associated with the communication device (paragraphs. 30 through 32 & 38); requesting, via a bi-directional network different from the uni-directional broadcast network, at least one of the identified one or more second pages; and receiving the at least one of the identified one or more second pages via the unidirectional network in response to the requesting.

Although HERZ described the offering of unsolicited information via World Wide Web to include a first page of a network site and an identifier identifying one or more pages of the network site to a user device having the user profile via a bi-directional wired and/or wireless means and in response requesting and receiving at least one or more second pages of the of the network site via a unidirectional network. However HERZ did not explicitly disclosed unsolicited information being received via a uni-directional broadcast network. In the same field of endeavor Birdwell disclosed broadcasting announcements (to include URL addresses of the web page) to client devices based on user's behavior pattern or custom filters (col.2, lines 9-24) over a broadcast network (30) (col.1, lines 58-67, col.3, lines 45-67 & col.4, lines 1-9). Birdwell disclosed requesting, via a bi-directional network (Figure.1 shows Bi-directional network (28) connected to client 24) different from the uni-directional broadcast network, at least one of the identified one or more second pages (col.7, lines 41-49 col.8, lines 3-10); and receiving the at least one of the identified one or more second pages via the unidirectional network in response to the requesting (col.4, lines 63-67 & col.4, lines 1-9 and col.6, lines 56-61). { Birdwell discloses that the broadcast network might also be network that supports two way communication (col.3. lines 36-38) and network 28 can be implemented as the internet or other public network providing access to the servers from the client through secondary link 32 which can also be implemented as another unidirectional network in additional to the broadcast network}.

At the time the invention was made it would have been obvious to one in the ordinary

skill in the art to incorporate requesting information based on received identifier via unidirectional network as disclosed by Birdwell in the method of receiving unsolicited information is based upon user profile associated with the device in a unidirectional network as disclosed HERZ by in order to provide a more versatile and flexible way of targeting information to the users resulting in reliable multi-connectivity and customer focus driven communications network.

4. As per claims 2, 12 & 27, 32-35 HERZ-Birdwell disclosed the apparatus of claim 9, wherein the second network is a broadcast network, and further comprising a receiver configured to receive the unsolicited information via the broadcast network (Birdwell, col.3, lines 23-31 & col.3, lines 40-43).

5. As per claims 3 & 13 HERZ-Birdwell disclosed the apparatus of claim 9, wherein the first network is bi-directional a telecommunications network, and further comprising a transceiver wherein the configured for use with the bi-directional network (Birdwell, col.3, lines 10-16).

6. As per claims 5, 14, 29, 36 & 37 HERZ-Birdwell disclosed the apparatus of any of claims 9 wherein the unsolicited information includes a content identifier, and further comprising a memory for storing, on the apparatus, a list of content identifiers of interest (Birdwell, col.4, lines 66-67 & col.5, lines 1-46).

7. As per claims 6 & 15 HERZ-Birdwell disclosed the apparatus of claim 14, further comprising a filter for filtering the received unsolicited information to remove information not having a content identifier in the list of content identifiers (Birdwell, col.5, lines 26-46).

8. As per claims 7, 16, 30, 38 & 39 HERZ-Birdwell disclosed the method of claim 1, wherein the second network is digital video broadcast terrestrial (DVB-T) network, and wherein the receiving via the second network receiving via the DVB-T network (Birdwell, col.3, lines 23-31, col.3, lines 40-43 & col.4, lines 25-34).

9. As per claims 8, 17, 31, 40 & 41 HERZ-Birdwell disclosed the method of 1, wherein the first network is a cellular network; and wherein the step of receiving the identified further information is adapted to receive via the cellular network (Birdwell, col.3, lines 10-16 & col.4, lines 5-9).

10. As per claim 18, 42 & 43 HERZ-Birdwell disclosed the apparatus of claims 9, further comprising a portable communication device (Birdwell, col.4, lines 10-12).

11. As per claims 46 & 47 HERZ-Birdwell disclosed the system of claim 10, further comprising a database of user profiles for storing a list of information categories determined to be of interest to the users (HERZ, Paragraph.22).

12. As per claim 48 HERZ-Birdwell disclosed the method of claim 1, further comprising: accessing a database of user profiles; and identifying the communication device as a user to be targeted based on said user profiles (HERZ, page.4, paragraphs. 27-33 & 35).

13. As per claim 50 HERZ-Birdwell disclosed the method of claim 49, wherein the unidirectional broadcast network is configured according to Digital Video Broadcast (DVB) network standard (col.3, lines 32-36)

14. As per claim 51 HERZ-Birdwell disclosed the method of claim 49 wherein the first network page includes a site map of a network site (Birdwell, col.2, lines 1-17).  
{accessing of a web site}

### ***Response to Arguments***

15. Applicant's arguments filed 11/25/2008 have been fully considered but they are not persuasive.

16. Applicant argued that HERZ does not teach or suggest a unidirectional network. As to applicant's argument examiner has cited Birdwell discloses dissemination of information in a unidirectional network. Herz discloses dissemination of unsolicited information to the user based on user profile. For details please refer to the rejection explained above.

17. Examiner respectfully points out that the rejection is based on the combination Birdwell and HERZ.

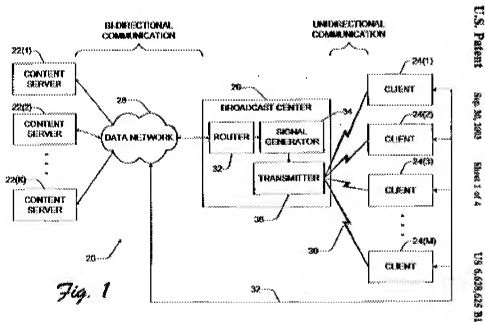
As to applicants argument Birdwell in figure 1 discloses two networks.

(i) DVB network (30) {Unidirectional i.e. one way communication A.K.A synchronous}

(ii) Data Network (28) {Bi-directional i.e. Two way communication A.K.A asynchronous}

**{Birdwell would not have labeled it Bi-directional if it was not performing two way communication}**

Please see figure below



Regarding the data network (28) {Bi-directional i.e. Two way communication A.K.A asynchronous}. Birdwell in col.3 states:



The bi-directional data network 28 represents various types of networks, including the Internet, a LAN (local area network), a WAN (wide area network), and the like. The data network 28 can be implemented in a number of ways, including wire-based technologies (e.g., fiber optic, cable, wire, etc.) and wireless technologies configured for two-way communication (e.g., satellite, RF, etc.). The data network 28 can further be implemented using various available switching technologies (e.g., ATM (Asynchronous Transfer Mode), Ethernet, etc.) and different data communication protocols (e.g., TCP/IP, IPX/SPX, etc.). In such protocols, the data is packaged in individual, fixed byte-size packets which are transmitted separately over the data network.

Birdwell clearly discloses client requesting information from this bi-directional network.

On col.2 clearly states:

The announcement server makes the announcements available to the clients over the broadcast network on a reserved multicast address or over a secondary link other than the broadcast network. As one example of the secondary link, the announcement servers might send the announcements to a multicast address over a public network, such as the Internet. As another example, the announcement servers might post the announcements at a publicly accessible site on the network, such as at a Web site on the Internet. The clients receive the announcements via the secondary link by, for example, monitoring the multicast address or occasionally accessing the Web site.

As indicated in the last three lines of the passage above a client accessing a web site is a clear indication that a client is initiating a request to access a web site on a network (e.g. WAN, Internet).

Additionally Birdwell discloses that the broadcast network might also be network that supports two way communication (col3. lines 36-38) and the additionally the secondary link 32 might also be implemented as another unidirectional network this is independent of the primary broadcast network.

Additionally Birdwell again describes client's capability to initiate a request in col.8 of the disclosure.

5 cation which searches the user's Web cache to determine what sites are of interest to the user might call the API to add or remove filters based upon the sites commonly requested by the user. Another example is a software purchasing application that adds a filter based on software the client wishes to download and purchase.

Therefore Birdwell clearly discloses client requesting information on a network.

18. Finally, Herz and Birdwell in combination disclose each and every aspect of applicant's invention and are therefore suitable to be combined to anticipate applicant's invention. Applicant is advised to narrow the claim language in light of the disclosure to overcome the prior arts.

19. Finally examiner advises the applicant that it would be beneficial to incorporate the details regarding the first and second networks types and the specifics regarding the web pages being downloaded from the first and second networks to the client device in all the independent claims in order to further the prosecution of this case.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
21. Mitchell (U.S. 6,741,841 B1) disclosed dual receiver for a on-board entertainment system
22. Maggio (U.S. 6,606,745 B2) Method and system for communication advertising and entertainment content and gathering customer information.
23. Kostreski et al (U.S. 5,610,916) disclosed shared receiving systems utilizing telephone cables as video drops.
24. Rothblatt (6,105,060) disclosed system for providing global portable internet access using Low Earth Orbit satellite and satellite direct radio broadcast system.
25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./  
Examiner, Art Unit 2443

/J Bret Dennison/  
Primary Examiner, Art Unit 2443